

No. 9 (1) 82-6Lab/6969.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. The Executive Engineer, SYL, Mechanical Division, II, Model Town, Ambala City.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 107/1981

between

SHRI SARDARA SINGH, WORKMAN AND THE MANAGEMENT OF M/S THE EXECUTIVE ENGINEER, SYL, MECHANICAL DIVISION II, MODEL TOWN, AMBALA CITY.

Present : —

Shri Rajeshwar Nath, for the workman.

Shri S. C. Dhake, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Sardara Singh and the management of M/s Executive Engineer, SYL, Mechanical Division II, Model Town, Ambala City, by order No. ID/Amb/6/811/20856, dated 16th April, 1981, to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Sardara Singh was justified and in order ? If not, to what relief is he entitled ?

Notice of the reference were sent to the parties who appeared and filed their pleadings. The following issues were framed by my order dated the 18th August, 1981:—

1. Whether the management is not an industry ?
2. Whether the reference is bad on account of not joining of necessary party ?
3. Whether the termination of services of Shri Sardara Singh was justified and in order ? If not, to what relief is he entitled ?

The workman examined himself as his own witness and the management examined Shri R.K. Dewan, S.D.O., SYL, Sub-Division No. 3 and closed its case. Arguments were heard.

Issue No. I : —

The learned representative for the management argued that S.Y.L. Wing of the Irrigation Department was not an industry. It does not carry any trade or business rather it was a welfare department of the State Government. Its function was to provide irrigation facilities to the farmers. On the other hand, learned representative for the workman argued that the term industry as defined under Section 2-J of the Industrial Disputes Act, 1947, did not mean only trade and business being run for profit motive. He argued that the department was having systematic activities and giving service to the public. He cited 1978-J-LLJ-page 348 Famous Bangalore Water case. I have considered the argument advanced on behalf of the parties. There was no dispute about the functions of the Irrigation Department. The controversy about term industry was set at rest by the verdict of Hon'ble Supreme Court in Bangalore Water Supply case referred above. The Court held the following tests to arrive at a conclusion in this behalf: —

- (i) Systematic activity (ii) Co-operation between employer and employee: (iii) Production and/or distribution of goods and services calculated to satisfy human wants and wishes if these tests are satisfied *prima facie* there is an "industry".

The Irrigation Department was doing a function which satisfied the above tests. It rendered service to a section of the society by supplying water for irrigation and for drinking through water works. As regards profit motive, it was further held that absence of profit motive is irrelevant

wherever the undertaking is, whether in the public, joint, private or other sector. Therefore I have no hesitation in holding the department as an industry in the light of verdict of the Hon'ble Supreme Court. I decide this issue against the management.

Issue No. 2.

The learned representative of the management argued that the reference was bad for non joinder of necessary party. He claimed that the Chief Engineer was the proper authority and not the Executive Engineer. On the other hand, learned representative of the workman argued that the appointing authority was the Executive Engineer against whom the present reference was made by the Government. I find from the written statement that the claimant was employed originally in S.Y.L. Mechanical Division No. 1, Ambala and his service was terminated by Executive Engineer S.Y.L. Mechanical Division No. II. It was nowhere pleaded that the Chief Engineer was a necessary party. No rule was cited in this behalf. Therefore I do not find any defect in impleading the parties. Therefore this issue is also decided against the management.

Issue No. 3

MW-1 deposed that had brought the relevant record and the workman was employed in his Sub Division as a work charged T. Mate who worked from 24th January, 1979 to 30th June, 1980. His serial No. in the seniority list maintained in the Division was 63. The appointing and terminating authority of a workcharged employee Executive Engineer. Although the project estimate and budget of the division was sanctioned by the Chief Engineer, Haryana. He further deposed that no T.Mate junior to the workman was in service at the time of termination of his service. A notice of 10 days was served upon to the workman by the XEN. under clause P.W.D. Code para 1.129(vii). No lieu was kept in the sub-division at the close of the work however, when a demand was received from other sub-division the work charged employee was sent there for re-employment by the demanding Sub-Division. In cross examination, he admitted it as correct that the concerned workman was reinstated in service by a settlement dated the 9th June, 1980. He also admitted that no compensation was paid to him at the time of termination of his service. He denied the suggestion that Shri Manigat Ram was working in the Sub-Division as T. Mate. He admitted that one Shri Mukash was working in his Sub-Division, but he did not know under what circumstances he was employed. He further replied that the vacancy was notified to the Employment Exchange but the procedure was not followed when the vacancy was only for a fortnight. The concerned workman deposed that he was employed by the department in 1st October, 1977. His service was terminated on 30th June, 1980. He was not paid any compensation. Servshri Maya Chand, Banarsi, Mukesh and Harnek Singh, junior to him, were still working in the department. He was re-employed according to settlement Ex. W-1 arrived at before the Labour cum-Conciliation Officer. In cross examination, he admitted it as correct that in the seniority list, his serial number was 63. He did not know if seniority number of Shri Maya Chand was at No. 28 and that of Shri Banarsi Dass at No. 40, Shri Mukesh at No. 19 and Shri Harnek at No. 59. He admitted that Shri Mukesh was not in service at present. He also did not know how many person had been terminated after him. He admitted as correct that there was break in service in 1978 because he had demanded leave which was not granted to him. At present he had worked continuously since 1st July, 1979.

The learned representative for the management argued that the concerned workman had continuous service of one year and five months. He argued that the workman was employed on workcharged basis and his service was terminated after compliance of formalities prescribed in P.W.D. Code. Seniority list was displayed. No workman junior to him was kept in service. He cited 1981-I-LLJ-page-386 Surendra Kumar *versus* Presiding Officer, Industrial Tribunal, Delhi and argued that the workman could not be reinstated even if there was flaw in the termination of service in view of 1980-I-LLJ-page-72 because the work on which the concerned workman was employed, had been completed. On the other hand, the learned representative for the workman argued that the termination order was bad in law because no retrenchment compensation was paid to the workman which was obligatory in view of Smt. Santosh Gupta *versus* State Bank of Patiala 1980-II-LLJ-Page-12 Supreme Court.

I have given thoughtful consideration to the arguments advanced by the learned representative of the parties and I have also considered the facts of the case. The concerned employee as admitted by the party had been engaged as workcharged T. Mate. He had continuous service of one year and 5 months and his service was terminated keeping in view of the seniority in respect of T. Mate. in the notice of termination. It was clearly mentioned that due to completion of work, his service was no more required beyond 30th June, 1980. As regard no compliance of Section 25-F of the Industrial Disputes Act, definition of retrenchment was as under: —

“retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include.

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation of the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(c) termination of the service of workman on the ground continued ill health."

In view of the above it was obligatory upon the management to comply with the provision of Section 24-F which is admittedly not done. Therefore, order of termination was bad in so far as payment of retrenchment compensation was concerned, the consequential result was reinstatement of workman. But in the present case he was a workcharged employee and work had been completed, therefore, he could not be reinstated there being no work. Further he will be entitled to retrenchment compensation. It is advised that the workman be given a job of T.Mate on some work to be started by the Department or in some existing vacancy because I find that Irrigation Department is an expanding Department and is taking in hand many projects for construction of Irrigation works.

I conclude by passing my award that the workman was entitled to retrenchment compensation. He was also entitled to other compensation being out of job and cost of litigation which is quantified at Rs. 1,000.

M. C. BHARDWAJ,

Dated the 23rd June, 1982.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 719, dated the 30th June, 1982

Forwarded (our copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6Lab./6970.— In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s The Executive Engineer, Mechanical Division No I, Model Town Ambala City.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 121/1981

between

SHRI PREM CHAND, WORKMAN AND THE MANAGEMENT OF M/S. THE EXECUTIVE
ENGINEER, SYL, MECHANICAL DIVISION-I, MODEL TOWN, AMBALA CITY.

Present:—

Shri Rajeshwar Nath for the workman.

Shri S. C. Dhake for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Prem Chand and the management of M/s Executive Engineer, SYL, Mechanical Division-I, Model Town, Ambala City, by order No. Amb/8/81/21471, dated 23rd April, 1981, to this Tribunal for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Prem Chand was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties who appeared and filed their pleadings. The following issues were framed by my order dated 18th August, 1981:—

- (1) Whether the management is not an industry?
- (2) Whether the reference is bad on account of not joining of necessary party?
- (3) Whether the termination of services of Shri Prem Chand was justified and in order? If not, to what relief is he entitled?

The workman examined himself as his own witness and the management examined Shri R. K. Dewan, S. D. O., SYL., Sub-Division No. 3, and closed its case. Arguments were heard.

Issue No. 1.

The learned representative for the management argued that S. Y. L. Wing of the Irrigation department was not an industry. It does not carry any trade or business rather it was a welfare department of the State Government. Its function was to provide irrigation facilities to the farmers. On the other hand, learned representative for the workman argued that the term industry as defined under Section 2-J of the Industrial Disputes Act, 1947, did not mean only trade and business being run for profit motive. He argued that the department was having a systematic activities and giving service to the public. He cited 1978-I-LLJ- page 349-famous Bangalore Water case. I have considered the argument advanced on behalf of the parties. There was no dispute about the functions of the Irrigation Department, the controversy about term industry which was set at rest by the verdict of Hon'ble Supreme Court in Bangalore Water Supply case referred above. The Court held the following tests to arrive at a conclusion in this behalf:—

- (i) Systematic activity
- (ii) Cooperation between employer and employee;
- (iii) Production and/or distribution of goods and services calculated to satisfy woman wants and wishes.

If these tests are satisfied *prima facie* there is an "industry".

The Irrigation Department was doing a function which satisfied the above tests. It rendered service to a section of the society by supplying water for irrigation and for drinking through water works. As regards profit motive, it was further held that absence of profit motive is irrelevant wherever the undertaking is whether in the public, joint, private or other sector. Therefore, I have no hesitation in holding the department as an industry in the light of verdict of the Hon'ble Supreme Court. I decide this issue against the management.

Issue No. 2

The learned representative of the management argued that the reference was bad for non-joinder of necessary party. He claimed that the Chief Engineer was the proper authority and not the Executive Engineer. On the other hand, learned representative of the workman argued that the appointing authority was the Executive Engineer against whom the present reference was made by the Government. I find from the written statement that the claimant was employed originally in SYL Mechanical Division No. 1, Ambala and his service was terminated by Executive Engineer SYL Mechanical Division No. II. It was nowhere pleaded that the Chief Engineer was a necessary party. No rule was cited in this behalf. Therefore, I didn't find any defect in impleading the parties. Therefore, this issue is also decided against the management.

Issue No. 3.

MW-1 deposed that he had brought the relevant record and the workman was employed in his Sub-Division as workcharged T. Mate who worked from 1st September, 1977 to 30th June, 1980. His Serial number in the seniority list maintained in the Division was 25. The appointing and terminating authority of a workcharged employee was Executive Engineer. Although the project estimate and budget of the division was sanctioned by the Chief Engineer, Haryana. He further deposed that no T. Mate junior to the workman was in service at the time of termination of his service. A notice of 10 days was served upon to the workman by the Xen. under clause P. W. D. Code para 1.129 (vi). No lien was kept in the sub-division at the close of the work, however when a demand was received from other sub-divisions the work-charged employee was sent there for re-employment by the demanding sub-division. In cross-examination, he admitted it was correct that the concerned workman was reinstated in service by settlement dated 9th June, 1980. He also admitted that no compensation was paid to him at the time of termination of his service. He denied the suggestion that Shri Mangat Ram was working in the Sub Division as T. Mate. He admitted that one Shri Mukesh was working in his Sub Division, but he did not know under what circumstances he was employed. He further replied that the vacancy was notified to the Employment Exchange but the procedure was not followed when the vacancy was only for a fortnight. The concerned workman deposed that he was employed by the Department on 21st September, 1977. His service was terminated on 30th June, 1980. Previously he was reinstated after termination,—*widely* settlement Ex. W-1 arrived at before the Labour-cum-Conciliation Officer. In cross-examination, he stated that Shri Hari Ram junior to him was appointed as operator and promoted as T. Mate.

The learned representative for the management argued that the concerned workman had continuous service of two years and 10 months. He argued that the workman was employed on workcharged basis and his service was terminated after compliance of formalities prescribed in P. W. D. Code. Seniority list was displayed. No workman junior to him was kept in service. He cited 1981 1-LLJ-page 386, Surendra Kumar Verma V/s Presiding Officer, Industrial Tribunal, Delhi and argued that the workman could not be re-instated even if there was flaw in the termination of service in view of 1980-I LLJ-1980 page 72, because the work on which the workman concerned was employed, had been completed. On the other hand, the learned representative for the workman argued that the termination order was bad in law because no retrenchment compensation was paid to the workman.

I have given thoroughful consideration to the arguments advanced by the learned representative of the parties and I have also considered the facts of the case. The concerned employee as admitted by the party, had been engaged as workcharged T. Mate. He had continuous service of two years and 10 months and his service was terminated keeping in view the seniority, in respect of T. Mates. In the notice of termination, it was clearly mentioned that due to completion of work, his service was no more required beyond 30th June, 1980. As regard to compliance of section 25-F of the Industrial Dispute Act, definition of retrenchment was as under: —

“retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) Voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age superannuation of the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of workman on the ground of continued ill health”.

In view of the above, it was obligatory upon the management to comply with the provision of Section 25-F which is admittedly not done. Therefore order of termination was bad in so far as payment of retrenchment compensation was concerned, the consequential result was reinstatement of the workman. But in the present case he was workcharged employee and work had been completed, therefore, he could not be reinstated there being no work. Further he will be entitled to retrenchment compensation. It is advised that the workman may be given a job of T. Mate on some work to be started by the Department or in some work to be started by the Department or in some existing vacancy because Irrigation Department is an expanding Department and is taking in hand many projects for construction of irrigation work.

I conclude by passing my award that the workman was entitled to retrenchment compensation. He was also entitled to other compensation being out of job and cost of litigation which is quantified at Rs. 1000.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 720 dated the 30th June, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

The 14th August, 1982

No. 9(1)82-6Lab./6965.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Hindustan Pottery Industries, E/S, Industrial Area, Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 164 of 81

between

SHRI LALJI, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN POTTERY
INDUSTRIES E/S, INDUSTRIAL AREA. BAHADURGARH.

Present:

No one for the workman.

Shri M.M. Kaushal for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor, —*vide* his order No. ID/RTK-173-81/69685, dated 17th December, 1981 under section 10(i)(c) of the I. D. Act, for adjudication of the dispute existing between Shri Lalji, workman and the management of M/s. Hindustan Pottery Industries, Bahadurgarh. The term of the reference was: —

Whether the termination of services of Shri Lalji, was justified and in order ?
If not, to what relief is he entitled ?

On the receipt of the order reference notices as usual were sent to the parties. The parties appeared. The workman filed his statement of claim on 25th February, 1982. The management filed their written statement on 30th March, 1982. The workman was proceeded *ex-parte* on 30th April, 1982 when no one appeared on his behalf. *ex-parte* evidence of the management was recorded on 29th May, 1982. The management examined Shri Madan Lal Manager respondent as their witness who deposed that he has brought the attendance register for the year 1981. The workman continued remaining absent from 26th August, 1981 onwards. He was served with a letter, dated 12th September, 1981 which was duly received by him. Another letter was sent to the workman which is dated 3rd September, 1981 to join his duties. Others letters were also sent to him which are dated 7th September 1981 and 12th September, 1981. He further deposed that the management has its certified standing orders under which the name of any employee who had remained absent for more than 8 days, he would be deemed to have abandoned his services and his name be struck off. The name of the workman was thus struck off in accordance with the provisions of the certified standing orders for remaining absent for more than 8 consecutive days.

The workman has not cared to pursue his demand raised on the management leading to the present reference. I have no choice but to rely on the unrebutted *ex-parte* statement of the management witness. Relying on his statement I hold that the workman has left the service of the management of his own accord and the management has not terminated his services. Justifiability of termination is not required when the case is not covered under section 2(a) of the I. D. Act, as this is a case of abandonment and not the case of termination discharge or dismissal of the service. The workman is not entitled to any relief. The reference is answered and returned accordingly.

BANWARI LAL DALAL,

Dated the 29th June, 1982.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No.1561, dated the 30th June, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9(1)82-6Lab./6966.— In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Gaurav Enterprises Pvt. Ltd., M.E. Bahadurgarh, District Rohtak.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 28 of 82

between

SHRI DEV NANDAN, WORKMAN AND THE MANAGEMENT OF M/S. GAURAV ENTERPRISES
PVT. LTD. M. E. BAHADURGARH. DISTRICT ROHTAK.

Present:—

Shri Chander Singh, for the workman.
No one for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor,—*vide* his order No. ID/RTK/3-82/3394, dated the 19th January, 1982 under section 10(i) (c) of the I. D. Act for adjudication of the dispute existing between Shri Dev Nandan workman and the management of M/s Gaurav Enterprises Pvt. Ltd., Bhadurgarh. The term of the reference was:—

Whether the termination of services of Shri Dev Nandan was justified and in order? If not, to what relief is he entitled? *

On the receipt of the order of reference notices as usual were sent to the parties. The workman appeared through his authorised representative on 29th March, 1982 but no one appeared on behalf of the management despite the service of notice. The management was proceeded then *ex parte*. The *ex parte* evidence of the workman was recorded. The workman himself appeared as his own witness who deposed that he worked with the respondent for last one year as helper on monthly salary of Rs. 180. The management terminated his services without any notice on 1st September, 1981. No charge-sheet was issued to the workman nor any enquiry was held, nor any service compensation was paid to him. He has further deposed that he has remained out of work for all the period from his date of termination till the present day.

The management had not cared to defend themselves against the demand raised upon them by the workman. I have no choice but reply on the unrebuted *ex parte* statement of the workman made on oath. Relying on his statement I hold that the management terminated the service of the workman without following the procedure as laid down under the provision of section 25 (F) of the I. D. Act nor the management has dismissed the services of the workman on a proved charge of misconduct. The termination is neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. The reference is answered and returned accordingly.

Dated the 29th June, 1982,

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

Endorsement No. 1562, dated 30th August, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

No. 9(1)82-6Lab/6967.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Gaurav Enterprises Pvt. Ltd., M.I.E., Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 29 of 82

between

RI SITA RAM WORKMAN AND THE MANAGEMENT OF M/S GAURAV ENTERPRISES
PVT. LTD., M.I.E., BAHADURGARH.

present:—

Shri Chander Singh for the workman.

No one for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/82/3401 dated 19th January, 1982 under section 10(i) (c) of the I. D. Act for adjudication of the existing between Shri Sita Ram, Workman and the management of M/s Gaurav Enterprises Ltd., Bahadurgarh. The term of the reference was:—

Whether the termination of services of Shri Sita Ram was justified and in order? If not, to what relief is he entitled? *

On the receipt of the order of reference notices as usual were sent to the Parties. The workman appeared through his authorised representative on 29th March, 1982 but no one appeared on behalf of the management despite the service of notice. The management was then proceeded *ex parte*. The *ex parte* evidence of the workman was recorded. The workman himself appeared as his own witness who deposed that he worked with the respondent for last one year as helper on monthly salary of Rs. 180. The management terminated his services without any notice on 1st September, 1981. No chargesheet was issued to the workman nor any enquiry was held, nor any service compensation was paid to him. He has further deposed that he has remained out of work for all the period from his date of termination till the present day.

The management had not cared to defend themselves against the demand raised upon them by the workman. I have no choice but rely on the unrebuted *ex parte* statement of the workman made on oath. Relying on his statement I hold that the management terminated the service of the workman without following the procedure as laid down under the provisions of section 25(F) of the I. D. Act nor the management has dismissed the services of the workman on a proved charge of misconduct. The termination is neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. The reference is answered and returned accordingly.

Dated the 29th June, 1982

BANWARI LAL DALAL,

Presiding Officer,
Labour Court Haryana,
Rohtak.

Endst No. 1563, dated 30th June, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment, Departments, Chandigarh as required under section 15 of the Industrial Dispute Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court Haryana,
Rohtak.

No. 9 (1) 82-6 Lab./7058.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947. (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/S Sub-Divisional Officer, Lining Mechanical Sub-Division No. 11, Hansi.

BEFORE SHRI BANWARI LAL DALAL PRESIDING OFFICER, LABOUR COURT,
HARYANA ROHTAK.

Reference No. 85 of 1981

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S SUB-DIVISIONAL
OFFICER, CANAL LINING MECHANICAL SUB-DIVISION NO. 11, HANSI

Present :—

Shri Tek Chand, for the workman.

No One, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/HSR/1-81/29024, dated 9th June, 1981 under section (10(i) (c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Om Parkash, workman and the management of M/s S. D. O. Canal Lining Mechanical Sub-Division No. 11, Hansi. The term of the reference was,—

‘Whether the termination of services of Shri Om Parkash was justified and in order? If not, to what relief is he entitled,

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared. The workman filed his statement of claim on 13th November, 1981. The management filed their written statement on 25th January, 1982 but none appeared on behalf of the management on 23rd March, 1982. The management was proceeded against *ex parte*. The *ex parte* evidence of the workman was recorded on 16th April, 1982. In his statement the workman deposed that he was at present working in Canal Lining Division, Jind. At the time of his termination he was working at Hansi. After the case was referred to the court he was taken on duty on 15th July, 1980. He was again termination on 5th November, 1980 and again taken on duty on 2nd January, 1981. His monthly salary at the time of his termination was Rs 500. He was not paid his wages for the period from 14th March, 1980 to 15th July, 1980 and from 6th November, 1980 to 2nd January, 1981.

The management has pleaded in their written statement that the workman was never terminated by the department and if this is taken as true the workman has remained in service for the period in question but the management has no where pleaded that the workman has been paid his wages for the disputed period nor the management has cared to defend themselves against the claim of the workman. Relying on the statement of the workman I hold that the workman has been reinstated w. e. f. 2nd January, 1981 and he is working in the Canal Lining Division, Jind. The workman is also entitled to the wages for the period for which he has not been paid from 14th March, 1980 to 15th July, 1980 and from 6th November, 1980 to 2nd January, 1981 at the rate of Rs. 500 per month. The workman is entitled to the relief of Rs. 3,000/- in respect of his wages for the aforesaid period. The reference is answered and returned accordingly.

Dated the 30th June, 1982.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court Haryana,
Rohtak.

Endst No. 1625 dated the 5th February, 1982

Forwarded (four copies) to the secretary to Govt. Haryana, Labour and Employment Department, Chandigarh as required section 15 of I. D. Act.

BANWARI LAL DALAL,

Presiding officer,
Labour Court Haryana,
Rohtak.

No. 9(1)-82-6Lab/7059.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Hindustan Pottery Industries, E/5, Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 57 of 1982

between

SHRI INSHAN ALI, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN
POTTERY INDUSTRIES, E-5, BAHADURGARH.

Present :

No one, for the workman.

Shri M. M. Kaushal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/RTK/21-82/17137, dated 31st March, 1982 under section 10(i)(c) of the Industrial Disputes Act for adjudication of dispute existing between Shri Inshan Ali, workman and the management of M/s Hindustan Pottery Industries, E-5, Bahadurgarh. The term of the reference was :—

Whether the termination of services of Shri Inshan Ali was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The management appeared through their authorised representative on 28th May, 1982 in response to the notice but no one appeared on behalf of the workman despite the service of notice to him. The workman was proceeded against *ex parte*. *Ex parte* evidence of the management was recorded on 3rd June, 1982. Arguments were also heard on the same day. Shri Madan Lal Gupta, Manager who appeared as management witness deposed that the workman submitted his resignation Ex. M-1 with his own free will which was written by another workman named Shri Sham who was called through the workman and which pass his remarks in circle 'B' on Ex. M-1. The other two workers Ishwar Singh and Teeka Ram signed as witnesses Ex. M-1 was accepted by the witness,—*vide* his remarks in circle 'D' on Ex. M-1. The workman was paid his full and final due,—*vide* Ex. M-2 before the attesting witnesses of Ex. M-1 who also put their signatures in circle 'B' on Ex. M-2. He also brought the photocopy of the attendance register for the month of November, 1981. The workman resigned on 3rd November, 1981 and in the attendance sheet Ex. M-3 the words 'resigned' has been written against his name after 3rd November, 1981. The workman never came and complained to him that his resignation was obtained under pressure and forcibly.

The workman has not cared to pursue his demand raised on the management. I have no choice but to rely upon the unrebutted statement of the management witness. Relying on his statement I hold that the workman resigned his job with his own free will and received his full and final dues and the management had not terminated his services. Hence this is not a case of termination of services but a case of voluntary resignation. The workman is not entitled to any relief. The reference is answered and returned accordingly.

Dated, the 30th June, 1982.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1626, dated 5th July, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 9 (1)82-6Lab/7145.— In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Belmont Rubber Industries 58-B, N. I. T. Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 82/1982

between

SHRI RAM SEWAK WORKMAN AND THE MANAGEMENT OF M/s.
BELMONT RUBBER INDUSTRIES 58-B, N. I. T., FARIDABAD

Present:—

Shri Nagesh Singh, for the workman.

R. C. Sharma, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Ram Sewak and the management of M/s Belmont Rubber Industries 58-B, N. I. T., Faridabad, by order No. 1D/FD/35/82/10332, dated 11th March, 1982, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service of Shri Ram Sewak was justified and in order ? If not, to what relief is he entitled ?

Notices of the reference were sent to the parties who appeared and filed their pleadings. The following issue were framed by my order dated 28th June, 1982 :—

(1) Wheather the termination of service of Shri Ram Sewak was justified and in order ? If not, to what relief is he entitled ?

On the date fixed, evidence of the management' was present but the workman did not appear. Therefore, *ex parte* evidence was recorded. The management examined Shri S. S. Gulati, Managing Partner as MW-1.

MW-1 deposed that he had brought payment of wages register and attendance register from 1978 onwards. The workman, first time, entered in the service of the management on 24th March, 1981 and he worked upto 30th June, 1981. The workman left his service and later on he reported on 1st September, 1981. He submitted his application for appointment as a temporary workman. His service was terminated,—*vide* Ex. M-2.

I have gone through the documents and find that the workman was appointed a fresh on 1st September, 1981. In the termination order Ex. M-2, it is given that the workman was not attending his duty. Therefore his service was terminated. Thus the workman had only about 2 months service at his credit. There was nothing wrong in the termination order. Therefore, I give my award that the workman was not entitled to any relief.

M. C. BHARDWAJ,

Dated the 2nd July, 1982.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 738, dated the 6th July, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6Lab/7147.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Belmont Rubber Industries, 58-B, N.I.T., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 96/1982.

between

SHRI MUKHTAR GIRI WORKMAN AND THE MANAGEMENT OF M/S. BELMONT
RUBBER INDUSTRIES, 58-B, N.I.T., FARIDABAD.

Present:—

- Shri Nagesh Singh, for the workman.
- Shri R. C. Sharma, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Mukhtar Giri and the management of M/s Belmont Rubber Industries, 52-B, N.I.T., Faridabad, by order No. ID/FD/37/82/6625, dated 12th March, 1982, to this Tribunal, for adjudication in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service of Shri Mukhtar Giri was justified and in order ? If not, to what relief is he entitled ?

Notices of the reference were sent to the parties who appeared and filed their pleadings. The following issues were framed by my order dated 28th June, 1982:—

(1) Whether the termination of service of Shri Mukhtar Giri was justified and in order? If not, to what relief is he entitled?

On the date fixed, evidence of the management was present but the workman was not present. Therefore, the *ex parte* evidence of the management was recorded. The management examined Shri S. S. Gulati, Managing Partner as MW-1.

MW-1 deposed that the concerned workman joined service of the management on 1st May, 1981. His application for appointment was Ex. M-1 which was signed by the workman at point 'A' and 'B' and at point 'C' appear the signature of witness. His service was terminated,—*vide* Ex. M-2 which was sent by registered post but received back undelivered. The registered cover was Ex. M-3.

I have gone through the documents and find that the concerned workman was appointed on 1st August, 1981 and his service was terminated on 16th November, 1981, due to his not attending the duty. The workman had service of about 3 months at his credit. From the evidence, I gather that there was nothing in the order of termination of the management. Therefore, I passed my award that the workman was not entitled to any relief.

Dated the 1st July, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 740, dated 6th July, 1982

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9 (1)82-6 Lab/7149.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Belmont Rubber Industries, 58-B N. I. T., Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 97/1982

between

SHRI DOODH NATH SINGH WORKMAN AND MANAGEMENT OF M/S BELMONT
RUBBER INDUSTRIES, 58-B N. I. T., FARIDABAD

Present:—

Shri Nagesh Singh, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Doodh Nath Singh and the management of M/s Belmont Rubber Industries 58-B N. I. T., Faridabad by order No. ID/FD/34/82/10168, dated 12th March, 1982 of this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947.

Whether the termination of service of Shri Doodh Nath Singh was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties who appeared and filed their pleading. The following issues were framed by my order dated 28th June, 1982:—

(1) Whether the termination of service of Shri Doodh Nath Singh, was justified and in order ? If not, to what relief is he entitled?

On the date fixed, evidence of the management was present but the workmen was not present. Therefore, the exparte evidence of the management was recorded. The management examined Shri S. S. Gulati Managing Partner as MW-1.

MW-1 deposed that the concerned workman was appointed on 1st May, 1981. Application Ex. M-1 was given by the workman. The workman signed the same at point 'A' and 'B'. The witnessed had passed order at point 'c' for temporary appointment. Service of the workman was terminated on 16th November, 1981. The witnessed had brought attendance register and payment of wages register.

From the above evidence and documents, I find that the workman joined service of the management on 1st May, 1981 as temporary workman. His service was terminated on 16th November, 1982 because he was not attending his duty. The workman had service of six month at his credit. Therefore, I do not find any contravention of law in termination of service of the workman. Therefore, I pass my award that the workman was not entitled to any relief.

Dated the 1st July, 1982.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 742, dated 6th July, 1982

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-82-6Lab/7150.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Hari Dall Mills, Mohana Road, Ballabgarh.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 125 of 1982

between

SHRI SARDA, WORKMAN AND THE MANAGEMENT OF M/S. HARI DALL
MILLS, MOHANA ROAD, BALLABGARH.

Present :—

Shri Hari Singh Yadav for the workman.

Nemo for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Sarda and the management of M/s. Hari Dall Mills Mohana Road, Ballabgarh, by order No. ID/FD/21/82/8919 dated 24th April, 1981, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Sarda was justified and in order ? If not, to what relief is he entitled?

Notices of the reference were issued to the parties. The workman appeared but refused to receive the notice of the case. Therefore, a UPC notice under rule 18 of the Industrial Disputes Punjab Rules, 1958, was also sent but the management failed to appear despite it. The management proceeded *ex parte* and the case was fixed for the evidence of the workman. In evidence the workman examined himself and deposed that he joined service of the management on 1st March, 1971. His service was terminated on 23rd October, 1981 without any warning or charge-sheet. His work was satisfactory.

Believing the *ex parte* statement of the workman, I find that the order of termination was wrongful. Therefore I give my award that the workman is entitled to his reinstatement with full back wages.

Dated 1st July, 1982.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Ends. No. 743, dated 6th July, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the I. D. Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1) 82-6 Lab./7153.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s J. V. Electronics, Sector 24, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 157 of 1981

between

THE WORKMEN AND THE MANAGEMENT OF M/S J. V. ELECTRONICS LIMITED,
SECTOR 24, FARIDABAD

Present :—

Shri Nagesh Singh for the workmen.

Shri R. N. Raj for the management.

AWARD

State Government of Haryana referred the following dispute between the management of M/s J. V. Electronics Limited, Sector-24, Faridabad and its workmen, by order No. ID/FD/78/81/27276 dated 2nd August, 1981, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

(1) Whether the suspension of the following workmen is justified and in order? If not to what relief they are entitled?

(1) Shri K. Somanathan

(2) Shri Raj Kapoor Mishra

(3) Shri Vinod Sharma

(4) Shri Pardip Mitra

(5) Shri Raj Kumar

(6) Smt. Leela K. P.

(7) Smt. Sosamma C. A.

(8) Smt. Rajamma K.

(9) Miss Vidya Wanti.

(2) Whether the workmen are entitled to any wages for the period of work-stoppage from 5th April, 1981 onwards? If so, with what details?

(3) Whether the workmen should be placed to appropriate different categories and granted any *ad hoc* increase in wages with effect from 1st January, 1981? If so, with what details?

(4) Whether workmen should be granted house rent allowance? If so, with what details?

(5) Whether the workmen should be supplied summer and winter uniforms? If so, with what details?

(6) Whether the workmen should be paid washing allowance? If so, with what details?

(7) Whether the workmen should be given designation letters? If so, with what details?

Notices were sent to the parties who appeared and filed their pleadings. The following issues were framed by my order dated 22nd September, 1981:—

(1) Whether the demand was properly espoused by the workmen?

(2) Whether the reference is bad on account of preliminary objection No. 2 in written statement?

(3) Whether the suspension of the following workmen is justified and in order? If not to what relief they are entitled to?

1. Shri K. Som Nath

2. Shri Raj Kapoor Mishra

3. Shri Vinod Sharma

4. Shri Pardip Mitra

5. Smt. Raj Kumari

6. Smt. Leela K. P.

7. Smt. Sosamma C. A.

8. Smt. Rajamma K.

9. Miss Vidya Wanti

(4) Whether the workmen are entitled to any wages for the period of work-stoppage from 5th April, 1981 onwards? If so, with what details?

(5) Whether the workmen should be placed to appropriate different categories and granted any *ad hoc* increase in wages with effect from 1st January, 1981? If so, with what details?

(6) Whether workmen should be granted house rent allowance? If so, with what details?

(7) Whether workmen should be supplied summer and winter uniforms? If so, with what details?

(8) Whether the workmen should be paid washing allowance? If so, with what details?

(9) Whether the workmen should be given designation letters? If so, with what details?

The case was fixed for the evidence of the workmen. The workmen were afforded many opportunities for their evidence but they failed to produce any. On the last date of hearing, none was present on behalf of the workmen. Therefore, their evidence was closed. The representative of the management made a statement that he had to lead no evidence. I find that the burden of issue No. 1 and all the issues under reference was upon the workmen. They failed to prove their case. Therefore, I pass my award that they were not entitled to any relief.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad

Dated: 1st July, 1982

Endorsement No. 746, dated the 6th July, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad

No. 9(1)82-6Lab./7057.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Jai Bharat Hardware Company, Industrial Area, Panipat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 240 of 80

Between

SHRI MANGE RAM, WORKMAN AND THE MANAGEMENT OF M/S JAI BHARAT
HARDWARE COMPANY, INDUSTRIAL AREA, PANIPAT.

Present:

Shri Raghbir Singh for the workman.

Shri Surinder Kaushal for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/KNL/109-80/54900, dated 27th October, 1980 under section 10 (i) (c) of the I. D. Act for adjudication of the dispute existing between Shri Mange Ram, workman and the management of M/s Jai Bharat Hardware Company, Panipat. The term of the reference was:—

Whether the termination of Services of Shri Mange Ram was justified and in order?
If not, to what relief is he entitled?

On the receipt of the order of references notices as usual were sent to the parties. The parties put in their appearance on 22nd December, 1980. The parties filed their respective pleadings, on the basis of which the following issues were framed:—

1. Whether the domestic enquiry conducted by the management is fair and proper and in accordance with the principle of natural justice?
2. As per the term of reference?

The management examined Shri Ravinder Vohra and Shri Suraj Bhan Sharma as their witnesses on the vires of the enquiry on issue No. 1. The workman did not prepare to adduce any evidence on this issue and his authorised representative made the following statement in this behalf:—

"I don't want to lead any evidence on the vires of enquiry and closed the case of the workman on this issue."

I heard the learned representatives of the parties and have also seen the record and decide the issues as under:—

Issue No. 1 and 2:—MW-1 Shri Ravinder Vohra deposed that he was appointed as Enquiry Officer,—*vide* Ex. MW-1/1 in respect of the chargesheet Ex. MW-1/2. He issued letter Ex. MW-1/3 which was received back unserved with the remarks 'Lane se inkari' as per Ex. MW-1/4. Other notices Ex. MW-1/5 and Ex. MW-1/6 were also received unserved with the same remarks 'Lane se Inkari'. The original enquiry is Ex. MW-1/7. Shri Mange Ram participated in the enquiry alongwith his authorised representative Jai Pal Singh, Shri Mange Ram was given full opportunity of cross examination and of defence. The workman as well as the management filed their written arguments before him as Ex. MW-1/8 and Ex. MW-1/9. Other documents produced before him were Ex. MW-1/10 to Ex. MW-1/12. He gave his findings,—*vide* Ex. MW-1/13 consisting of 5 pages. In his cross-examination he stated that he supplied copies of the enquiry proceedings to the workman regularly and this fact was recorded in the enquiry proceedings. He further stated that every page of the enquiry proceedings was duly signed by Shri Mange, Ram and his representative.

MW-2 Shri Suraj Bhan deposed that Ex. MW-2/1 was issued under the signature of Shri V. P. Jain, partner of the concern. The workman submitted his reply,—*vide* Ex. MW-2/2. After receipt of the reply Ex. MW-2/2 order Ex. MW-2/3 was passed and conveyed to the workman concerned. This order bears the signatures of Shri V. P. Jain. He further stated that he was conversent with the signatures of Shri V. P. Jain.

From the evidence produced before me I am fully convinced that the domestic enquiry held by the management is fair and proper and the workman was given full opportunity of cross-examination and of defence and the same is not violative of the principles of natural justice and the findings of the Enquiry Officer are based on the evidence produced before him. The report of the Enquiry Officer is not perverse. The charges levelled against the workman were duly proved. The workman representative contended during the course of arguments that the punishment given to the workman was comparatively harsh to the misconduct and prayed that the court is empowered to interfere with the same under section 11 (a) of the I. D. Act. Sleeping during duty hours and behaving in a rude manner when being awakened from sleep is in my opinion a grave misconduct and does not demand a lenient view. I therefore hold and give my award that the termination of the workman is justified and in order. The workman is not entitled to any relief. The reference is answered and returned accordingly.

Dated the 30th June, 1982.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endst. No. 1624, dated the 5th July, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 9 (1)82-6 Lab./7154.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Belmont Rubber Industries, 58-B, N. I. T., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 71/1982
between

SHRI LAL CHAND WORKMAN AND THE MANAGEMENT OF M/S BELMONT
RUBBER INDUSTRIES, 58-B, N. I. T., FARIDABAD

Present:—

Shri Nagesh Singh, for the workman.

Shri R. C. Sharma, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Lal Chand and the management of M/s Belmont Rubber Industries, 58-B, N. I. T., Faridabad, by order No. ID/FD/33/82/9946, dated 9th March, 1982, to this Tribunal, for adjudication in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of service of Shri Lal Chand, was justified and in order ? If not, to what relief is he entitled ?

Notices of the reference were sent to the parties who appeared and filed their pleadings. The following issues were framed by my order dated 28th June, 1982 :—

Whether the termination of service of Shri Lal Chand was justified and in order ? If not, to what relief is he entitled ?

On the date fixed, evidence of the management was present but the workman was not present. Therefore, *ex parte* evidence was recorded. The management examined Shri S. S. Gulati, Managing Partner as M. W. 1.

M. W. 1 deposed that he had brought attendance register and payment of wages registers from 1978 onwards. The concerned workman was appointed as a temporary workman. His application for appointment was Exhibit M. 1 which was signed at point 'A' and 'B'. His services were terminated,—*vide* Exhibit M. 2.

I have gone through the documents and I find that the workman was appointed on 23rd March, 1981. According to the termination order dated 16th November, 1981, the reason of termination was given as absence from duty. Thus the workman had about 8 months service with the management. I find that the order of termination of the management was justified. Therefore, I pass my award that the workman was not entitled to any relief.

Dated, the 2nd July, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 747, dated the 6th July, 1982.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)-82-6Lab.7155.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Hari Dall Mills, Mohana Road, Ballabgarh.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 126/1982

between

SHRI UMA SHANKAR WORKMAN AND THE MANAGEMENT OF M/S HARI DALL
MILLS, MOHANA ROAD, BALLABGARH

Present :—

Shri Hari Singh Yadav, for the Workman.

Nemo, for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Uma Shankar and the management of M/s Hari Dall Mills, Mohana Road, Ballabgarh by order No. ID/FD/21/82/926, dated 20th April, 1982, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services Shri Uma Shankar was justified and in order ? If not, to what relief is he entitled ?

Notices were issued to the parties. The workman appeared but the management refused to receive the notice of the case. Therefore a U. P. C. notice under rule 18 of the Industrial Disputes Punjab Rules, 1958, was also sent but the management failed to appear despite it. The management was proceeded *ex parte* and the case was fixed for the evidence of the workman. In evidence, the workman examined himself and deposed that he joined service of the management on 1st March, 1971. His service was terminated on 23rd October, 1981 without any warning or chargesheet. His work was satisfactory.

Believing the *ex parte* statement of the workman, I find that the order of termination was wrongfull. Therefore I give my award that the workman is entitled to his reinstatement with full back wages.

Dated, the 1st July, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endorsement No. 748, dated the 6th July, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

The 28th July, 1982

No. 9(1)82-6Lab/6666.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Victory Engineering Corporation Plot No. 257, Sector 24, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 351/1981

between

SHRI RAKESH KUMAR, WORKMAN AND THE MANAGEMENT OF M/S VICTORY ENGINEERING CORPORATION PLOT NO. 257, SECTOR 24, FARIDABAD.

Present :

- Shri R. L. Sharma, for the Workman.
- Shri Ram Saroop Arora, for the Management

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Rakesh Kumar and the management of M/s. Victory Engineering Corporation Plot No 257 Sector 24, Faridabad, by order No. ID/FD/132-81/53992, dated 3rd November, 1981, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of Industrial Disputes Act, 1947.—

Whether the termination of services of Shri Rakesh Kumar was justified and in order ?
If not, to what relief is he entitled ?

Notices of the reference were sent to the parties who appeared and filed their pleadings. On the last date of hearing the representative of the workman made a statement that the workman was not available. Therefore, he was not interested in contesting the case on behalf of the workman.

In this circumstance, I presume that the workman was not interested in persuing this reference. I pass no dispute award.

Dated the 24th June, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endorsement No. 708, dated the 26th June, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

H. L. GUGNANI,
Commissioner & Secretary to Government, Haryana.
Labour & Employment Departments.